

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10691  
Conference Calendar

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GUSTAVO GUTIERREZ,

Plaintiff-Appellant,

versus

NFN MOORE, Correctional  
Officer III, Et Al.,

Defendants,

NFN MOORE, Correctional  
Officer III; SHARON HOFFMAN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:96-CV-3188-AH  
- - - - -

April 15, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Gustavo Gutierrez, Texas state prisoner 605506, argues that the district court erred in denying his motions for appointment of counsel to represent him in his 42 U.S.C. § 1983 case.

We have reviewed the record, including the briefs of the parties, and have determined that the district court did not

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

abuse its discretion in denying Guterrez's motions for appointment of counsel. The issues in the case were not complex and Gutierrez adequately presented his position to the district court. The case did not give rise to exceptional circumstances warranting the appointment of counsel. See Cupit v. Jones, 835 F.2d 82, 86 (5th Cir. 1987).

Gutierrez has not argued on appeal that the district court erred in granting the defendants' motion for judgment as a matter of law and dismissing his complaint. Therefore, he has abandoned this claim. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.